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2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----x

5 UNITED STATES OF AMERICA,

6 v.

7 23 Cr. 302 (PGG)

8 QINGZHOU WANG,
9 YIYI CHEN,

10 Defendants.

11 Arraignment
12 -----x

13 New York, N.Y.
14 June 28, 2023
15 12:00 p.m.

16 Before:

17 HON. PAUL G. GARDEPHE,

18 District Judge
19

20 APPEARANCES

21 DAMIAN WILLIAMS

22 United States Attorney for the
23 Southern District of New York

24 BY: ALEXANDER N. LI
25 Assistant United States Attorney

26 FEDERAL DEFENDERS OF NEW YORK

27 Attorneys for Defendant Qingzhou Wang
28 BY: MARNE LENOX

29 KIRTON LAW FIRM

30 Attorneys for Defendant Yiyi Chen
31 BY: MARLON G. KIRTON

32 Also Present: Francesca Tessier-Miller, USPO
33 Jianhang Mail, Interpreter (Mandarin)

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1 (Case called; appearances noted)

2 THE COURT: All right. We are here for purposes of
3 arraignment the defendants on the indictment. Mr. Wang, you're
4 here with Ms. Lenox as your attorney; is that correct?

5 DEFENDANT WANG: Yes.

6 THE COURT: And, Ms. Chen, you're here with Mr. Kirton
7 as your attorney; is that correct?

8 DEFENDANT CHEN: Yes.

9 THE COURT: Have each of you received a copy of the
10 document which reflects the charges against you. Mr. Wang?

11 DEFENDANT WANG: Yes.

12 THE COURT: And Ms. Chen?

13 DEFENDANT CHEN: Yes.

14 THE COURT: And, Ms. Chen, do you speak and read
15 English?

16 DEFENDANT CHEN: A little.

17 THE COURT: So, Mr. Wang, has the indictment been read
18 to you in Mandarin?

19 DEFENDANT WANG: Yes.

20 THE COURT: And, Ms. Chen, has the indictment been
21 read to you in Mandarin?

22 DEFENDANT CHEN: Yes.

23 THE COURT: All right. Mr. Wang, have you discussed
24 the charges in the indictment with your attorney?

25 DEFENDANT WANG: I'm aware of the alleged crime, and

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2 we have discussed the details.

2 THE COURT: Ms. Chen, have you discussed the charges
3 in the indictment with your attorney?

4 DEFENDANT CHEN: A little bit.

5 THE COURT: Both of you should understand that in
6 Count One of the indictment the first charge, you're charged
7 with conspiring to traffic in fentanyl. In Count Two of the
8 indictment, which is the second charge, you are both alleged to
9 have conspired or agreed to import into the United States what
10 are referred to as fentanyl precursor chemicals and that you
11 did so with the intent to manufacture fentanyl.

12 DEFENDANT WANG: I heard you.

13 THE COURT: Count Three of the indictment charges
14 Mr. Wang with importing fentanyl precursor chemicals into the
15 United States with the intention to manufacture fentanyl, and
16 that he did so between November 2022 and January 2023.

17 Count Four charges Mr. Wang with importing
18 methamphetamine precursor chemicals into the United States,
19 again between November 2022 and January 2023. And in Count
20 Five Mr. Wang and Ms. Chen are both charged with conspiring to
21 commit money laundering.

22 Mr. Wang, do you understand those are the charges
23 against you in the indictment?

24 DEFENDANT WANG: Yes.

25 THE COURT: And, Ms. Chen, do you understand that

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2 those are the charges against you in the indictment?

3 DEFENDANT CHEN: Yes.

4 THE COURT: Mr. Wang, do you wish me to read the
indictment to you now here in open court?

5 DEFENDANT WANG: No.

6 THE COURT: And, Ms. Chen, do you wish me to read the
7 indictment to you now here in open court?

8 DEFENDANT CHEN: No thanks.

9 THE COURT: Mr. Wang, I'm going to ask you as to each
10 charge against you in the indictment how you plead, beginning
11 with Count One, guilty or not guilty?

12 DEFENDANT WANG: Not guilty.

13 THE COURT: Count Two, guilty or not guilty?

14 DEFENDANT WANG: Not guilty.

15 THE COURT: Count Three, guilty or not guilty?

16 DEFENDANT WANG: Not guilty.

17 THE COURT: Count Four, guilty or not guilty?

18 DEFENDANT WANG: Not guilty.

19 THE COURT: And Count Five, guilty or not guilty?

20 DEFENDANT WANG: Not guilty.

21 THE COURT: And, Ms. Chen, I'm going to pose the same
22 questions to you as to Counts One, Two and Five. Beginning
23 with Count One, guilty or not guilty?

24 DEFENDANT CHEN: Not guilty.

25 THE COURT: Count Two, guilty or not guilty?

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2 DEFENDANT CHEN: Not guilty.

3 THE COURT: And Count Five, guilty or not guilty?

4 DEFENDANT CHEN: Not guilty.

5 THE COURT: All right. I will now address the recent
6 amendment to Rule 5 of the Federal Rules of Criminal Procedure.
7 As required by Rule 5(f), I direct the government to comply
8 with its obligations under *Brady v. Maryland*, and its progeny,
9 to disclose to the defendants all information, whether
10 admissible or not, that is favorable to the defendants,
11 material either to guilt or to punishment and known to the
government.

12 Possible consequences for non-compliance with this
13 order may include dismissal of charges, exclusion of evidence
14 and professional discipline or court sanction on the attorney
15 or attorneys responsible. After these proceedings, I will
16 enter a written order that more fully describes the
17 government's obligations and the possible consequences of
18 failing to meet those obligations. And I direct the government
19 to review and comply with that order.

20 Does the government confirm that it understands its
21 obligations and will fulfill them?

22 MR. LI: Yes, your Honor.

23 THE COURT: All right. I will hear from the
24 government about the nature and magnitude of the discovery
25 materials.

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1 MR. LI: Thank you, your Honor. With respect to
2 discovery materials, your Honor, I expect the discovery will
3 consist of the following: Law enforcement reports,
4 surveillance, photographs and recordings of in-person meetings,
5 recorded video conferences and voice calls, chat messages and
6 their attachments, the companies online presence, including its
7 websites, product listings and advertisements, financial
8 records, subpoena returns, pen register returns, photographs
9 and lab records of the physical chemicals seized in this case,
10 including certain lab test results. And I'll note that other
11 lab test results are still pending as to some of those
12 chemicals.

13 With respect to warrants, your Honor, there have been
14 three warrants issued in this matter. One warrant is for the
15 electronic devices of the defendants that were seized in
16 connection with their arrest and expulsion from Fiji, and that
17 consist of four phones, a laptop and a hard drive. There is a
18 domain seizure warrant for certain website domains affiliated
19 with the company, and one cell phone location warrant for an
20 individual in the United States. So those are the three
21 warrants in the case.

22 Your Honor, we do not yet have the extractions of the
23 devices, and candidly I'm not sure how long it will take to get
24 into those devices.

25 THE COURT: Other than as to the electronic devices,

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2 when do you expect to make the discovery available?

3 MR. LI: Your Honor, we will produce discovery on a
4 rolling basis. I expect we will be able to substantially
5 complete the production within a month, again with the
6 exception of the electronic devices and possibly certain lab
results that we're still waiting on.

7 THE COURT: All right. Having heard that, have the
8 lawyers consulted as to when we should meet again?

9 MS. LENOX: We have, your Honor. And we'd ask for a
10 control date in 60 days given that the government does not
11 expect to complete discovery for a month, and that is still
12 excepting the electronic devices and possible lab reports. And
13 given that it seems quite clear that most, if not all of the
14 discovery will require translation, I think it's going to take
15 us quite some time to make our way through it.

16 THE COURT: All right. I will schedule another
17 conference for 60 days out. I do want to make sure that the
18 discovery is provided in a timely fashion, so I will see you
19 again in 60 days just to make sure that discovery is proceeding
20 appropriately and to address any problems that may have come
21 up. So, Mike, would you give us a date approximately 60 days
22 out.

23 THE DEPUTY CLERK: Sure, your Honor. Thursday, August
24 24th, 2:30 is available. Is that day OK?

25 THE COURT: Does August 24th present any difficulties

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1 for anyone?

2 MR. KIRTON: That's fine, your Honor.

3 MS. LENOX: That's fine, your Honor.

4 MR. LI: That's fine, your Honor.

5 THE COURT: All right. Does government wish me to
6 exclude time between now and August 24th?

7 MR. LI: Yes, your Honor. The government respectfully
8 moves to exclude time. We believe this is in the interest of
9 justice to allow the government to produce discovery, for the
10 defense to begin reviewing that discovery, and for the parties
11 to confer regarding any pretrial disposition in this case.

12 THE COURT: Is there any objection to exclusion of
13 time between today and August 24th?

14 MR. KIRTON: No, your Honor.

15 MS. LENOX: No, your Honor.

16 THE COURT: I will exclude time between today and
17 August 24th, 2023, under the Speedy Trial Act pursuant to Title
18, United States Code, Section 3161(h)(7)(A) to permit defense
19 counsel to review discovery materials from the government and
20 determine whether any pretrial motions will be necessary.

21 I do find that the ends of justice served by the
22 granting of this continuance outweigh the best interest of the
23 public and the defendants in a Speedy Trial. I have received a
24 bail application from Mr. Kirton on behalf of Ms. Chen and am
25 prepared to address that bail application now. Is it the

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2 parties wish that I proceed today?

3 MR. KIRTON: Yes, your Honor.

4 THE COURT: Okay. Let me give the background,
Mr. Kirton, and then I'll hear from you.

5 The background for the bail application is that
6 Ms. Chen was arrested in Fiji by local authorities and then
7 taken into the custody of the DEA, which transported her from
8 Fiji to the District of Hawaii. As I understand it, Ms. Chen
9 was presented in this district on June 26, 2023. She was
10 detained on consent at that time which she now seeks pretrial
11 release.

12 As to the charges against Ms. Chen, as I indicated she
13 has been indicted as part of a multi-defendant conspiracy that
14 allegedly ship huge quantities of precursor chemicals for
15 fentanyl to the United States, 200 kilograms of these chemicals
16 were allegedly actually delivered, which the government says
17 could have been used to create 50 kilograms of fentanyl. The
18 defendant is charged in three counts with conspiring to
19 manufacture and distribute fentanyl, conspiring to import
20 fentanyl precursor chemicals into the United States for use and
21 manufacturing fentanyl, and also with money laundering
22 conspiracy.

23 The defendant seeks release on the following
24 conditions: a \$250,000 personal recognizance bond co-signed by
25 one financial responsible person and secured by \$50,000 in

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2 cash; home detention with GPS monitoring, the monitoring of all
3 of the defendant's electronic devices with no access to the
4 website of the corporate defendant Humbei Amarvel Biotech Cop.
5 Limited, strict pretrial supervision, and surrender of all
6 travel documents. Citing the defendant's June 28, 2023 letter,
7 docket number 11, at page one. I will hear from you
Mr. Kirton.

8 MR. KIRTON: Thank you, your Honor. I'm going to
9 request that the Court grant bail consistent with the terms
10 listed in our bond submission before the Court. I'm going to
11 request that the Court grant bail consistent with the
12 conditions listed in our bond report submitted today before
13 this Court. I just wanted to add three additional amendments
14 to those conditions.

15 One, there should be no contact with co-defendants
16 except in the presence of counsel. Two, client won't be
17 released until a suitable location in the Southern District of
18 New York is found and located. Three, client will be released
19 on her own signature, and that of her colleague listed in the
20 pretrial services report in California if he is a suitable
21 candidate to be a suretor in this case.

22 I just have three points to make in support of our
23 application for bond in this case. One, we believe that the
24 presumption is rebutted in this case by the bail package
25 submitted and proposed by the defense. Pretrial services will

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2 monitor her computer at all times. There will be no contact
3 with any corporate or any other defendants in this case, and
4 there will be financial security posted of \$50,000. We submit
5 to the Court that the bail package submitted by the defense
rebuts the presumption in this case.

6 In terms of risk of flight, your Honor, certainly
7 there is some risk associated with the fact that she's a
8 Chinese National. There's no treaty with that country in terms
9 of extradition. However, she will surrender her passport.
10 There will be GPS monitoring and home detention, and also
11 consistent with what we submitted in our papers, there's
12 typically a very low risk of recidivism for persons who receive
13 bail in the federal system. I believe that the risk of
14 recidivism for federal defendants is about one percent
15 nationwide.

16 In terms of danger to the community, your Honor. The
17 Secretary of State of this country went to visit China last
18 week and had a number of meetings with his colleague in China,
19 and they discussed a number of issues. I imagine that they
20 also discussed the issue of fentanyl being shipped from China
21 ending up in the United States of America. These are the types
22 of things that could and should be resolved by treaty, should
23 and could be resolved by negotiations, and sanctions if
24 necessary.

25 It's not necessary -- certainly the government chose

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2 to prosecute my client, co-defendant and the Chinese company.
3 This is a case of first impression in this country. But it's
4 in our view, your Honor, the issue of fentanyl, the danger of
5 fentanyl poses to citizens of the United States, those things
can be negotiated by treaty.

6 We agree with the government that fentanyl is a
7 problem in this country. It's a very, very serious problem.
8 Many, many people overdose by taking fentanyl substances. But
9 it's a stretch to say that because the trafficking of fentanyl
10 is dangerous, because people die that my client is a danger to
11 the community. She is basically a translator, a low-level
12 employee of an affiliated company of the corporate defendant.
13 She basically translated terms and conditions -- again I'm not
14 assuming anything the government proffered is actually true --
15 but for purposes of this discussion, she translated terms and
16 conditions between some of the principals of the corporate
17 defendant and the DEA agent in this case.

18 There's no proof or evidence that she had any
19 authority to bind the corporation to do anything. There's no
20 proof that she had any authority to receive payments on behalf
21 of the company or principals of the company, so I submit to the
22 court that fentanyl is a danger. It is a danger. That's very
23 clear. But in our view, our client is not a danger to the
24 community for purposes of the Bail Reform Act. That concludes
25 my remarks unless the Court has any questions.

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1 THE COURT: All right. I'll hear from the government.

2 MR. LI: Thank you, your Honor. Let me just address
3 the proposed conditions that the defense has raised, which the
4 defense argues would mitigate the risks in this case. I think
5 Mr. Kirton started off by saying she can be monitored by
6 pretrial services. The defendant has alleged to use encryptic
7 applications to communicate with the confidential sources. And
8 those communications cannot be monitored by pretrial services.
9 They are by their nature encrypted, and therefore
10 un-monitorable.

11 In addition, Mr. Wang, her co-defendant in this case
12 is alleged to have received money by cryptocurrency, which
13 presents its own difficulties in tracing. And so I don't know
14 how pretrial services could effectively monitor the defendant's
15 electronic communications in a case where she has, as alleged,
16 used technological means to evade interception and detection.

17 With respect to the risk of flight. The defendant is
18 a national of a country with whom we do not have an extradition
19 treaty. She's a citizen national of China. And as she's
20 argued, her life is in China. She has no reason to be in the
21 United States to face charges. She has every incentive to
22 flee. And if she flees, there's no prospect of getting her
23 back. That in its essence is the risk of flight.

24 The general statistics that the defense points out
25 about the low risk of recidivism is not fairly applicable to

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2 the defendant. Those are national statics applicable to a wide
3 range of people who are not alleged to be similarly situated to
4 the defendant in terms of being from a country that does not
extradite with ties solely to that country.

5 With respect to the factual allegations that
6 Mr. Kirton has pointed out, and I do want to pushback on this.
7 The defendant was not a mere translator. Her role was to market
8 the company's products, and she did that in two ways. First,
9 as alleged, she created the company's online presence. And
10 there's evidence that she registered. She's the actual
11 registrant of each of the domains of both the company and a
12 large number of affiliated websites. And those websites detail
13 the company's offerings, listing specifically for fentanyl
14 precursors.

15 They describe the potential use to make fentanyl, as
16 well as the company's ability to ship those products by
17 "stealth" including by repackaging them, those chemicals as
18 products such as motor oil, nuts and dog food. She's also
19 listed on the contact page by her own phone number on the
20 company's primary website demonstrating that if a customer
21 wanted to actually buy something, they could reach out directly
22 to her. And so in that capacity too she's not merely a
23 translator.

24 Now, of course, her second role was to actually
25 participate in the negotiated transactions in this case with

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2 the DEA confidential sources. And, yes, in those conversations
3 she helped Mr. Wang, the co-defendant, by translating between
4 English and Mandarin. But she was not, again, a mere
5 translator. She was intimately familiar with the products
6 that the company offered. She was intimately familiar with
matters such as pricing and logistics.

7 And as we've shown in our opposition letter, she even
8 went so far as to handwrite notes by things such as the
9 Chemical Abstract Service number, the CAS number, to make sure
10 that they clearly understood, to make sure everybody clearly
11 understood exactly what chemicals were being sold. And the CAS
12 number that is shown in our submission is in fact for Boc-4-AP,
13 which is a listed chemical. It is a regulated chemical, and
14 also a fentanyl precursor. So it is simply not the case that
15 the defendant was merely a translator in this case.

16 As the defense conceded at the outset, this is a
17 presumption case. There is a presumption of detention because
18 the defendant is charged with crimes, drug trafficking crimes
19 carrying a maximum penalty of at least ten years. And in light
20 in recognition I think of the risk of flight here in
21 particular, pretrial services has also recommended that the
22 defendant be detained. We join in that recommendation. The
23 defense has not proposed a bail package that would mitigate the
24 risks of flight or danger in this case. We do not believe such
25 a package could possibly be presented. And for those reasons,

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2 your Honor, we respectfully request detention.

3 I'm happy to answer any question the Court may have.

4 THE COURT: In order for a defendant to be detained
5 pending trial, the government must demonstrate, first, by a
6 preponderance of the evidence that there is no condition or
7 combination of conditions that will ensure the defendant's
8 return to court; or, second, by clear and convincing evidence
9 demonstrate that there is no condition or combination of
10 conditions that will reasonably assure the safety of the
11 community if the defendant is released on bail.

12 Here, the government seeks detention both on grounds
13 of risk of flight and danger to the community. Because of the
14 drug conspiracy charges, there is a rebuttal presumption under
15 18, United States Code, Section 4142(e)(3)(B), that there is no
16 condition or combination of conditions that will reasonably
17 ensure the defendant's return to court and the safety of the
18 community.

19 The Bail Reform Act, 18, United States Code, Section
20 3142(g) directs me to consider the following factors in
determining whether pretrial release is appropriate:

21 First, the nature and circumstances of the offenses.
22 Second, the weight of the evidence against the defendant.
23 Third, her personal history and characteristics, including her
24 character, physical and mental condition, family ties,
25 employment, financial resources, length of residence in the

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2 community, community ties, past conduct, substance abuse,
3 criminal history and any record concerning court appearances.

4 And fourth, the nature and seriousness of the danger to any
5 person or the community that would be posed by the defendant's
6 release.

7 Mr. Li, I see you standing. Is there something else
8 you want to say?

9 MR. LI: I apologize, your Honor. There is a factual
10 clarification I just wanted to make before the Court issues a
11 ruling. I believe in the background remarks the Court
12 indicated that the government had proffered the 200 kilograms
13 of precursors shipped could have made 50 kilograms of fentanyl.

14 Based on lab testing, this is in the indictment, one
15 of the chemicals which has been tested is essentially an
16 analogue of a fentanyl precursor, so it's a closely related
17 substitute. And what it would be used to make is a fentanyl
18 analogue as opposed to straight fentanyl, so I just wanted to
make that clarification.

19 THE COURT: Help me understand what a fentanyl
20 analogue is.

21 MR. LI: Sure, your Honor. As I understand it, the
22 product that was shipped is essentially Boc-4-AP, the fentanyl
23 precursor with an extra methyl block of atoms on one of rings
24 of the molecule. And that extra molecule -- excuse me, that
25 extra methyl group will be carried over into the final fentanyl

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2 product. So fentanyl is a synthetic opioid, and now this
3 analogue that's produced has this extra methyl block on it, and
4 it's called ortho-methylfentanyl. That's the fentanyl analogue
that's produced.

5 THE COURT: Now, would this fentanyl analogue, would
6 it be consumed in the same fashion as fentanyl?

7 MR. LI: That's right, your Honor.

8 THE COURT: Okay. Let me begin with the nature of the
9 offense. As I've indicated, the defendant is charged with
10 conspiring to ship huge quantities of precursor chemicals for
11 fentanyl and fentanyl analogue to the United States. I regard
12 the charges pending against the defendant as extremely serious
13 given the nature of fentanyl and fentanyl analogues which
14 present enormous risk of harm to those who use these
15 substances.

16 As we've heard, the defendant also allegedly marketed
17 on behalf of the alleged conspirators the chemical products,
18 the precursor chemicals online. The government says that she
19 created and registered websites on which the sale of these
20 precursor chemicals for fentanyl, fentanyl analogues and
21 methamphetamine were offered. On the website the conspirators
22 offered to disguise these precursor chemicals so that they
23 won't be detected.

24 The defendant is alleged to have personally negotiated
25 the sale of these precursor chemicals with DEA informants and

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2 to have met with a DEA informant in Bangkok to discuss the sale
3 of these precursor chemicals.

4 MR. KIRTON: Your Honor, I'm sorry.

5 THE COURT: Yes.

6 MR. KIRTON: I apologize. I think maybe the Court
7 should consider leaving the issue open because I may want to
8 make a written submission because this information about
9 fentanyl analogues is new to me. It's okay, but I just think
10 that it may make sense for us to look into it and make a
written submission on the record.

11 It's not really necessary to have an oral argument
12 about this, but I'd like an opportunity to confer with the
13 government, look through whatever I have, and just make maybe a
14 very brief submission on this issue. I could do it as early as
15 the 5th of July if the Court would allow that. I apologize to
16 the Court. I just didn't know about this issue.

17 THE COURT: So what you want me to do is adjourn
18 today's proceeding, take written submissions from the parties
19 on this issue of fentanyl analogues, and then continue the bail
20 hearing on another day?

21 MR. KIRTON: Yes, and keep the other date set by the
22 Court as a control date.

23 THE COURT: Okay. Mr. Li, do you have any objection
24 to the proposal Mr. Kirton has made?

25 MR. LI: No, your Honor. It's the defendant's motion,

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2 so if the defense wants to withdraw it for present purposes
3 that's certainly fine by the government. I will just note that
4 the defendant is charged in Count One with trafficking fentanyl
5 analogues, in addition to fentanyl; that there are allegations,
6 it's paragraph 33, regarding the specific fentanyl precursor
analogue in this case, and so this is not new information.

7 And so both the factual predicate and the charges all
8 refer to fentanyl analogues in addition to fentanyl. Again,
9 it's defendant's motion, so they're free to withdraw it, but
10 the government does not believe this is new information.

11 THE COURT: All right. So, Mr. Kirton, you will make
12 whatever submission you deem appropriate by July 5th, and
13 Mr. Li, how long will you need to respond?

14 MR. LI: Your Honor, the government will respond
15 within two days.

16 THE COURT: Okay. So that will be the 7th. Why don't
17 I pick a date now for our resumed bail hearing. Mike, how
18 about Tuesday, July 11th, perhaps towards the end of the day,
19 maybe 4:00 or thereabouts.

20 THE DEPUTY CLERK: Actually, your Honor, you have
21 something at 4:00. That whole day is kind of booked.

22 THE COURT: That day is bad?

23 THE DEPUTY CLERK: Yes, very bad.

24 THE COURT: How about Wednesday?

25 THE DEPUTY CLERK: Wednesday at 4:00 is better, your

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2 Honor.

3 THE COURT: Does Wednesday, July 19th, 4:00 present
any issues for anyone?

4 MR. LI: No, your Honor.

5 MR. KIRTON: No, your Honor.

6 THE COURT: So we will resume the bail hearing at 4:00
7 on July 19th. I will look for a letter -- I'm sorry. I was
8 talking about July 12th at 4:00. Is that the date we have,
9 Mike?

10 THE DEPUTY CLERK: Yes, July 12th.

11 THE COURT: July 12th, 4:00. We will resume the bail
12 hearing July 12th, 4:00. I will look for a letter from
13 Mr. Kirton on July 5th, and a response from Mr. Li on July 7th,
14 and we will resume the bail hearing 4:00 on July 12th.

15 If you're about to ask me if you have to be there on
16 July 12th, no, you do not.

17 MS. LENOX: Thank you, your Honor.

18 THE COURT: All right. Mr. Li, anything else on
19 behalf of the government?

20 MR. LI: No, your Honor. Thank you.

21 THE COURT: Mr. Kirton, anything else on behalf of
22 Ms. Chen?

23 MR. KIRTON: Yes, your Honor. I've spoken to
24 representatives of the Chinese Consulate. They're here in
25 court today. They'd like to know if they can have a brief

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2 non-contact visit with Ms. Chen and the co-defendant if it's
3 okay with the Court and the marshals.

4 THE COURT: The marshals have any problem with that.

5 THE MARSHAL: Can I approach off the record, your
6 Honor?

7 THE COURT: Can't really go off the record.

8 THE MARSHAL: I don't think we're allowed to. We have
9 to get supervisor approval, and also it probably would have to
be at 500 Pearl Street, not here.

10 THE COURT: Sounds like that's not going to be
11 possible, Mr. Kirton.

12 MR. KIRTON: That's fine, your Honor. I just wanted
13 to put it on the record.

14 THE COURT: Yep. If there's nothing else, we're
15 adjourned.

16 (Adjourned)

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